

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Donald K. Malone,

Plaintiff(s),

vs.

Sergeant D. Mecrosvy, et al.,

Defendant(s).

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Case Number: 1:16cv833

Judge Susan J. Dlott

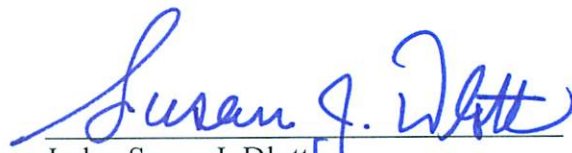
ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on October 19, 2016 (Doc. 12), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 7, 2016, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's complaint is DISMISSED with prejudice pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this order will not be taken in good faith therefore denying plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

  
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Judge Susan J. Dlott  
United States District Court